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OFFICE OF PETITIONS

In re Application of   :
Amy L. Sherwood   :
Application No. 09/964,395   : DECISION ON PETITION
Filed: September 28, 2001   :
Attorney Docket No. 20009.0224US01   :

This is a decision on the petition, filed November 29, 2006, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.
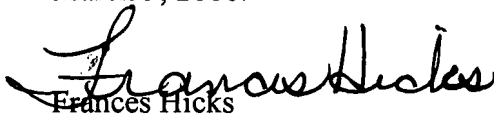
The petition is **GRANTED**.

This application was held abandoned for failure to reply to the non-final Office action mailed March 9, 2006, which set a three (3) month shortened statutory period for reply. A Notice of Abandonment was mailed on October 3, 2006.

Petitioner asserts that the Office action dated March 9, 2006 was not received.

A review of the written record indicates that a revocation and power of attorney was filed on August 27, 2004, which was not acted upon by the Office. Despite this, it is noted that petitioner herein did in fact receive three other Office actions mailed in this application. Nevertheless, as a proper power of attorney was filed on August 27, 2004, it is concluded that the Office action of March 9, 2006 was not mailed to the attorneys appointed in the power of attorney. As the record shows an irregularity in the mailing of the Office action to the proper address noted in the power of attorney of August 27, 2004, the holding of abandonment is deemed to have been improper. Accordingly, the application was not abandoned in fact.

In view of the above, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

This application is being referred to the Technology Center AU 2626 for appropriate action in the normal course of business on the reply received November 29, 2006 to the Office action of March 9, 2006.

Frances Hicks
Petitions Examiner
Office of Petitions